

REMARKS

STATUS OF CLAIMS:

Claims 1-28 are pending.

Rejection of claims 1, 3, 5, 21, 24, 27, and 28 is maintained from the previous Office Action under 35 USC 103(a) as being unpatentable over Fargher (US Patent No 5,826,040) in view of Matsuzaki (US Patent No. 5,767,848).

Claims 2, 23, 25 and 26 are rejected under 35 USC 103(a) as being unpatentable over Fargher, Matsuzaki, and Rapoza (PC Week, v12, n19, p.74(2)).

Rejection of claims 4, 6 and 11-15 and 22, is maintained from the previous Office Action under 35 USC 103(a) as being unpatentable over Fargher, Matsuzaki, and IBM Disclosure Bulletin (December 1991, US Vol. 34, Issue Number 7B, Pages 114-117, Extensible Access Control List Mechanism).

Rejection of claim 7 is maintained from the previous Office Action under 35 USC 103(a) as being unpatentable over Fargher, Matsuzaki, IBM and Persham (US Patent No. 5,260,986).

Rejection of claim 8 is maintained from the previous Office Action under 35 USC 103(a) as being unpatentable over Fargher, Matsuzaki, IBM and Hwang (US Patent No. 5,530,892).

Rejection of claim 9 is maintained from the previous Office Action under 35 USC 103(a) as being unpatentable over Fargher, Matsuzaki, IBM and D'Agosto (US Patent No. 4,975,896).

Rejection of claim 19 is maintained from the previous Office Action under 35 USC 103(a) as being unpatentable over Fargher, Matsuzaki, IBM, D'Agosto and Morishima (US Patent No. 5,589,956).

Rejection of claims 10, 17, 18, and 20 is maintained from the previous Office Action under 35 USC 103(a) as being unpatentable over Fargher, Matsuzaki, IBM, Waldren (US Patent No. 4,884,219) and Zinsmeyer (US Patent No. 3,927,800) and Morishima.

Rejection of claim 16 is maintained from the previous Office Action under 35 USC 103(a) as being unpatentable over Fargher, Matsuzaki, IBM, Waldren, Zinsmeyer and Weber (US Patent No. 4,995,071).

According to the foregoing, the claims are amended, and thus, the pending claims remain for reconsideration, which is respectfully requested. The Examiner's rejections are traversed.

No new matter has been added.

ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116:

Applicants request entry of this Rule 116 Response and Request for Reconsideration because:

(a) the amendments of the claims should not entail any further search by the Examiner because the amendments clarify the patentably distinguishing features of the claimed invention without raising new issues, and finality of issues with the Examiner has not been reached, since a prima facie case of obviousness cannot be established over Fargher and Matsuzaki, thus warranting entry of clarifying claim amendments and consideration of the remarks and withdrawal of the rejection of claims and/or withdrawal of the finality of the Office Action; and/or

(b) the amendments do not significantly alter the scope of the claims and place the application at least into a better form for appeal and/or simplify issues for appeal. It is believed that no new features or new issues appear to be raised.

The amendments and remarks are respectfully submitted. Entry of this reply and reconsideration of the claims is respectfully requested, because the amendments and remarks clarify the patentably distinguishing features recited by the language of the claims, because the remarks apply the discussions of Fargher and Matsuzaki specifically to the language of the claims, and because in view of the amendments and remarks it is believed the claims are allowable over Fargher and Matsuzaki.

REJECTIONS:

The Office Action page 15, item 11 is the Response to Arguments, in which the Examiner asserts new grounds of rejection have been applied. Essentially, the Examiner alleges Fargher and Matsuzaki still disclose the claimed present invention as recited in the previously amended independent claims 1, 21, 24, 27 and 28.

The Office Action, at page item 11, alleges “[a]pplicant’s argument consistently rely on a line of rational which is more appropriate for arguments against an anticipation rejection by consistently applying a “not necessarily” and an inherency standard against obviousness rejections (Office Action, page 15, lines 29-31).” The Office Action relies upon MPEP §2112(v), which suggests:

V. ONCE A REFERENCE TEACHING PRODUCT APPEARING TO BE SUBSTANTIALLY IDENTICAL IS MADE THE BASIS OF A REJECTION, AND THE EXAMINER PRESENTS EVIDENCE OR REASONING TENDING TO SHOW INHERENCY, THE BURDEN SHIFTS TO THE APPLICANT TO SHOW AN

UNOBVIOUS DIFFERENCE

[T]he PTO can require an applicant to prove that the prior art products do not necessarily or inherently possess the characteristics of his [or her] claimed product. Whether the rejection is based on 'inherency' under 35 U.S.C. 102, on '*prima facie* obviousness' under 35 U.S.C. 103, jointly or alternatively, the burden of proof is the same . . .

The office Action, at page 3, lines 1-5, allege "the use of job definition forms defining worker groups that process the job objects according to job-object conditions are **implicit** to the description of any system managing projects, jobs and/or groups of workers." MPEP §2112 expressly provides "the express, implicit, and inherent disclosures of a prior art reference may be relied upon in the rejection of claims under 35 U.S.C. 102 or 103." Therefore, the applicants in the previous responses, as suggested by MPEP §2112, including MPEP §2112(v), traversed the Examiners implicit disclosure allegation under 35 U.S.C. §103(a) pursuant to MPEP 2112. Regarding the Examiner's comments on page 17 that In re Kotzab provides, "the test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art" In re Kotzab, 217 F.3d 1365, 1370, the Applicants hereby also traverses the implicit disclosure and obviousness allegation taking into consideration the Examiner's comments.

The independent claims are 1, 21, 24, 27, and 28, which are rejected under 35 USC 103(a) as being unpatentable over Fargher in view of Matsuzaki.

The Office Action page 3 acknowledges Fargher does not explicitly disclose the claimed present invention "***each job definition form ...***" as claimed, so the Office Action appears to rely on an inherency or implicit assertion in page 3, first paragraph, and Matsuzaki. The Examiner in the Office Action page 3, first paragraph, alleges "As such the use of job definition forms defining worker groups that process the job objects according to job object condition are implicit to the description of any system managing projects, jobs and/or groups of workers."

Fargher, at column 4, lines 43-45, discusses "the function of the planner is to take a set of input requirements such as device types, lot sizes and due dates and plan the utilization of the factory." Fargher, at column 7, lines 19-25, further discusses "The plan representation is based on the processing capacity of resource groups within the factory, divided into contiguous time intervals. Each resource group has an associated set of processing capabilities which every member of the group is able to perform." In other words, Fargher discusses inputting to the

planner, the required manufacturing output and the manufacturing capabilities of the factory.

Fargher, at column 7, lines 41-51, further discusses:

In this way, the level of detail modeled by the plan is a function of both resource groups and time interval sizes. If resource groups contained only one resource, and all time intervals were shorter than the shortest processing step, the **plan representation would reduce to a Gantt chart** describing the processing schedule for each resource. If, on the other hand, the entire plan were covered within a single time interval, the representation would reduce to the model frequently used for planning within semiconductor manufacturing.

In other words, Fargher discusses taking the input from the plan discussed above and generating various output models, such as Gantt charts and the capacity models, as seen in Fargher Figs. 3a and 3b.

The independent claims are amended for clarity to provide "a form generator generating job definition forms, each job definition form defines worker groups and resources, said resources including job objects, available to the worker groups, to process, based upon job procedures, the objects of the object-oriented system as the job objects according to job-object conditions."

Fargher discusses a system managing capacity of resource groups and resource groups are defined as "an associated set of processing capabilities which every member of the group is able to perform. Since a single semiconductor manufacturing machine may perform several different processes, a machine may be a member of several different resource groups." (Fargher column 7, lines 22-24). In other words, each "resource group" as defined by Fargher is a set of machines, which are each capable of performing the same tasks. However, contrary to the Examiner's allegation, Fargher's management of resource groups does not implicitly (including necessarily or inherently) include the claimed "job definition form defines worker groups and resources, said resources including job objects, available to the worker groups," because Fargher's capacity model generator and Gantt chart, only discuss maintaining the exclusivity of a factory machine by only scheduling one operation at a time. Any conflict in a schedule in accordance with Fargher would be obvious to the people using the machine because several people would be trying to use the machine for different purposes at the same time. Fargher, at column 7 lines 63-66, discuss "A diagrammatic illustration of the capacity model is presented in FIG. 3a. This simplified representation illustrates a model which includes four time intervals T_1 - T_4 and four machine resource groups M_1 - M_4 ." Fargher, at column 8, lines 8-13 further

discusses “In the illustrated example, the horizon (or total sum of the intervals) is 4 units (e.g., 4 days). The larger the horizon, the farther in advance planning can take place. However, as will be discussed hereinafter, the precision of predicting completions a long time in the future is poor and therefore a long horizon is not practical.” In other words, Fargher discusses outputting a capacity model, which displays which machine will be operating over a prescribed time to perform a prescribed function. Each “machine” as discussed in Fargher is inherently exclusive, in that, only one group can use the machine at a time to perform a singular manufacturing task. In contrast, one example of the “resources” as defined in the claimed present invention include “job objects,” which are inherently non-exclusive resources, in that, many worker groups could use the same resource at the same time.

MPEP 2142 sets forth the criteria for establishing a prima facie case of obviousness, and to support the obviousness conclusion, the rejection rationale must be based upon either the references expressly or impliedly suggesting the claimed embodiment. See MPEP 2143.01, “Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so.” The Office Action page 3 in rejecting the independent claims provides “As such, the use of job definition forms defining worker groups that process the job objects according to the job object conditions are implicit to the description of any system managing objects, jobs and/or groups of workers,” which appears to be more of an inherency, or necessarily provided by the prior art, rejection rationale rather than what the combined teachings, knowledge of one or ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skilled in the art to support an implicit disclosure (MPEP 2143.01, *In re Kotzab*, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000)). The Office Action rejection rationale fails to establish a prima facie case of obviousness by not discussing how the teaching, suggestion, or motivation is implicitly found in either Fargher or Matsuzaki, if both are silent on any techniques related to the claimed “job definition form defines worker groups and resources, said resources including job objects, available to the worker groups.” Therefore, Fargher, taking into account the “combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved,” would not suggest to those of ordinary skill in the art the claimed “job definition forms, each job definition form defines worker groups and resources, said resources including job objects, available to the worker groups, to process, based upon job procedures, the objects of the object-oriented system as the job objects according to job-object conditions” and ***based upon the job definition form (1)*** “a resource manager managing the job-object conditions, including rights to use resources, worker group by worker group in real-time based

upon the worker groups and resources defined in the job definition form,” (2) “the scheduler establishing the job-object conditions and scheduling each worker group to process the job objects, according to each worker group job procedure and the resources available to each worker group,” and (3) “the job monitor performing real-time monitoring of job processing by the worker groups ... performing real-time controlling of sharing of the resources, such as the job-objects, among the worker groups ...” because Fargher discusses machines which are an inherently exclusive resource, and therefore Fargher fails to teach or suggest how to handle and maintain the security of a non-exclusive resource such as “job objects” which are inherently non-exclusive resources.

Therefore, Fargher discusses a system which maintains the exclusivity of the machine by only scheduling one operation at a time, and therefore the capacity models and Gantt charts **do not implicitly or necessarily or inherently possess** the characteristics of the claimed “a form generator generating job definition forms, each job definition form defines worker groups and resources, said resources including job objects, available to the worker groups, to process, based upon job procedures, the objects of the object-oriented system as the job objects according to job-object conditions” and ***based upon the job definition form (1)*** “a resource manager managing the job-object conditions, including rights to use resources, worker group by worker group in real-time based upon the worker groups and resources defined in the job definition form,” (2) “the scheduler establishing the job-object conditions and scheduling each worker group to process the job objects, according to each worker group job procedure and the resources available to each worker group,” and (3) “the job monitor performing real-time monitoring of job processing by the worker groups ... performing real-time controlling of sharing of the resources, such as the job-objects, among the worker groups ...” as recited, in claims 1, 21, 24, 27 and 28.

Accordingly, the Examiner’s implicit allegation is hereby traversed, because the Examiner fails to provide evidence or supported reasoning other than a conclusory statement that Fargher’s models inherently include or suggest the claimed “job definition forms, each job definition form defines worker groups and resources, said resources including job objects, available to the worker groups, to process, based upon job procedures, the objects of the object-oriented system as the job objects according to job-object conditions.” Further, Fargher fails to suggest to one skilled in the art to be modified to provide the claimed “job definition forms, each job definition form defines worker groups and resources, said resources including job objects, available to the worker groups, to process, based upon job procedures, the objects of the object-

oriented system as the job objects according to job-object conditions” since Fargher is directed to inherently exclusive machines and not the inherently non-exclusive claimed “job objects,” because Fargher is silent on other alternative output models.

Furthermore, Matsuzaki, or any of the other relied upon references of Rapoza, IBM Disclosure Bulletin, Persham, Hwang, Morishima, D’Agosto, Waldren, Zinsmeyer, and Weber, fail to disclose, or suggest to one skilled in the art to modify Fargher’s output models of Gantt charts and capacity models, to provide the claimed “job definition forms, each job definition form defines worker groups and resources, said resources including job objects, available to the worker groups, to process, based upon job procedures, the objects of the object-oriented system as the job objects according to job-object conditions,” because these references, in particular Matsuzaki, Rapoza and IBM Disclosure Bulletin, fail to disclose or suggest to one skilled in the art any data arrangement details of their respective development activity model (Matsuzaki, FIG. 2), ManagePro’s database (Rapoza), and Access Control List (ACL) (IBM Disclosure).

For example, it is readily apparent Matsuzaki’s development activity model in FIG. 2 discusses activity units, with a person in charge, restrictions, and a working model linked to the resource model and the product model, but fails to disclose or suggest to one skilled in the art any type of “***job definition form ...***” as recited by the language of the independent claims. In fact, in Matsuzaki FIG. 2, the resource model that has information about members of the development engineering team is a model separated from the activity unit, such that it cannot provide the claimed present invention’s “***each job definition form defines worker groups and resources, said resources including job objects, available to the worker groups, to process, based upon job procedures, the objects of the object-oriented system.***”

Further, Matsuzaki’s activity unit in FIG. 2 defines an activity unit and the resources linked to the activity, which as a data arrangement concerning a task and resources to perform the task, differs from the claimed present invention and fails to disclose or suggest to one skilled in the art the claimed present invention’s “***each job definition form defines worker groups and resources, said resources including job objects, available to the worker groups, to process, based upon job procedures, the objects of the object-oriented system.***”

Therefore, Matsuzaki cannot support the Examiner’s implicit or obviousness allegation, which is hereby traversed, because Matsuzaki’s activity unit as a data arrangement discusses a record of tasks performed, but fails to suggest one skilled in the art, or necessarily provide, the claimed embodiment “***each job definition form defines worker groups and resources, said***

resources including job objects, available to the worker groups, to process, based upon job procedures, the objects of the object-oriented system.

Further, the Office Action page 4 relies on Matsuzaki's column 20, which discusses "the function attribute section 2100 ... has a form that allows recording the experimental results of the functional characteristics obtained through a plurality of times of experiments." It is readily apparent that this Matsuzaki "form" fails to disclose or suggest to one skilled in the art, the claimed present invention's data arrangement to manage a job worker group by worker group via **"each job definition form defines worker groups and resources, said resources including job objects, available to the worker groups, to process, based upon job procedures, the objects of the object-oriented system."**

IBM Disclosure Bulletin discusses an Access Control List (ACL) to grant or deny access to a system resource, but is silent on any type of **"each job definition form defines worker groups and resources, said resources including job objects, available to the worker groups, to process ..."** as claimed.

Rapoza discusses ManagePro in which a task can be created and workers can be assigned to the task by double clicking on a task (Rapoza Text: page 1, paragraphs 7-8). Also, goals and tasks can be assigned to employees from virtually any window (Rapoza Text: page 1, paragraph 9). However, ManagePro's discussion of allowing adding a member and assigning a task to the member, requires creation of a task before hand ("For example, when adding a member to the notebook testing team in the People/Team Planner Window, we could specify that one this employee's tasks would be testing notebook performance.") So the claimed present invention's, **"each job definition form defines worker groups and resources, said resources including job objects, available to the worker groups, to process, based upon job procedures, the objects of the object-oriented system"** is not suggested by Rapoza and Rapoza fails to suggest to one skilled in the art the claimed present invention's **"each job definition form defines worker groups and resources, said resources including job objects, available to the worker groups, to process ..."**

In other words, Matsuzaki, IBM Disclosure Bulletin and Rapoza generally discuss features in managing a task and resources of performing a task. A combination of Matsuzaki, IBM Disclosure Bulletin and Rapoza fails to achieve the claimed present invention. Also, Matsuzaki, IBM Disclosure Bulletin and Rapoza fail to suggest or provide motivation to one skilled in the art to be combined and then modified to achieve the claimed present invention,

because all of these references are based upon defining a task and then resources to perform the task, whereas language of the claims provide “a form generator generating job definition forms, ***each job definition form defines worker groups and resources, said resources including job objects, available to the worker groups, to process, based upon job procedures, the objects of the object-oriented system*** as the job objects ***according to job-object conditions,***” and ***based upon the job definition form (1)*** “a resource manager managing the job-object conditions, including rights to use resources, worker group by worker group in real-time based upon the worker groups and resources defined in the job definition form,” ***(2)*** “the scheduler establishing the job-object conditions and scheduling each worker group to process the job objects, according to each worker group job procedure and the resources available to each worker group,” and ***(3)*** “the job monitor performing real-time monitoring of job processing by the worker groups ... performing real-time controlling of sharing of the resources, such as the job-objects, among the worker groups ...” Further, regarding the Examiner’s implicit disclosure allegation, Matsuzaki, IBM Disclosure Bulletin and Rapoza cannot support the implicit allegation to establish a prima facie case of obviousness, because the claimed present invention’s “***each job definition form defines worker groups and resources, said resources including job objects, available to the worker groups, to process, based upon job procedures, the objects of the object-oriented system*** as the job objects ***according to job-object conditions,***” as missing descriptive matter in Matsuzaki, Rapoza and IBM Disclosure Bulletin, is not suggested or is not necessarily recognized by one skilled in the art to be present in Matsuzaki, Rapoza and IBM Disclosure Bulletin to be implicitly discussed, since although these references discuss task management, these references do not necessarily disclose to one skilled in the art all types forms without further experimentation (see, MPEP 2112-IV).

Therefore, when Fargher and Matsuzaki are specifically applied to the language of the independent claims, a prima facie case of obviousness based upon implicit disclosure cannot be established, since the relied upon references discuss task management but do not disclose or suggest the claimed “form generator generating job definition forms, each job definition form defines worker groups and resources, said resources including job objects, available to the worker groups, to process, based upon job procedures, the objects of the object-oriented system as the job objects according to job-object conditions,” and the Office Action fails to provide any evidence or reasoning supported by evidence that Fargher’s and Matsuzaki’s inherently exclusive Gantt charts or capacity models implicitly provide the claimed “job definition forms,

each job definition form defines worker groups and resources, said resources including job objects, available to the worker groups, to process, based upon job procedures, the objects of the object-oriented system as the job objects according to job-object conditions." It is submitted that a prima facie case of obviousness based upon Matsuzaki has not been established, because the Examiner failed to articulate reasoning with some rational underpinning to support the legal conclusion of obviousness and therefore withdrawal of the rejection of pending claims is respectfully requested.

Independent claim 26 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Fargher and Matsuzaki, in further view of Rapoza (PC Week v12, n19, p74(2)).

Independent claim 26 recites the feature of "a form generator generating job definition forms, each job definition form defines worker groups and resources, said resources including job objects, available to the worker groups, to process, based upon job procedures, the objects of the object-oriented system as the job objects according to job-object conditions" and therefore none of the prior art cited "**implicitly, necessarily or inherently possess** the characteristics of" claim 26 for the reasons discussed above.

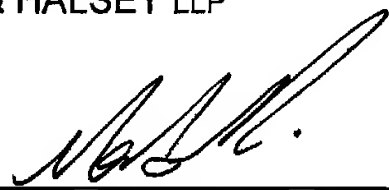
Dependent claims recite patentably distinguishing features of their own or are at least patentably distinguishing due to their dependence from the independent claims.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,
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